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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/773,897

02/06/2004

Duncan Kerr

APL1P215X1/P2698X1US

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EXAMINER

TON, ANABEL

ART UNIT

PAPER NUMBER

2875

MAIL DATE

DELIVERY MODE

04/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/773,897 | <b>Applicant(s)</b><br>KERR ET AL. |  |
|                              | <b>Examiner</b><br>ANABEL M. TON     | <b>Art Unit</b><br>2875            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/08/04/08</u>   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The indicated allowability of the present claims is withdrawn in view of the newly discovered reference(s) to Reynolds. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5-7, 37-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds (6,129,440).

- Reynolds a housing wherein the housing encloses at least enclosing various internal components associated with the operation of the computing device; and an indicator assembly (20) wherein the indicator assembly for indicating indicates at least events associated with the computing device and produces at least a shaped indicator image at a specific small portion of an outer surface of a housing component that forms an extended outer surface of the housing when activated, and to eliminate the indicator image from the extended outer surface of the housing when deactivated, the indicator assembly including at least one light source capable of emitting light, and a light guide that directs light emitted from the at least one light source so as to illuminate the small portion of the housing component in order to create the shaped indicator image at the extended outer surface of the housing, the

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area of the shaped indicator image being substantially smaller than the area of the extended surface(figs 4-5, col. 6 lines 29-51).

- the light source includes an LED ;
  - The light is made incident on a translucent portion of the housing, the translucent portion transmitting light without permitting objects disposed behind it from being distinctly seen.
  - The indicator assembly further includes a mask that blocks light from illuminating all but the specific portion of the housing desired to be illuminated.
  - The light guide includes a light pipe for directing light to the part of the housing desired to be illuminated.
  - A computing device, comprising: a housing component that forms an extended outer surface of a housing of the computing device; and an indicator configured-that alerts a user to a particular status of the computing device, the indicator including a light source and a light guide both of which are hidden from view and disposed inside the housing of the computing device, the light source when activated emits light into the light guide, the light guide directs the light emitted from the light source so as to illuminate a small portion of the housing component in order to create a shaped indicator image at the extended outer surface of the housing, the area of the shaped indicator image being substantially smaller than the area of the extended surface.
38. (Previously Presented) The computing device as recited in claim 37 wherein the extended surface forms substantially the entire front surface of the housing of the computing device(figs 4-5, col. 6 lines 29-51).

- The shaped indicator image is a circle.
- Only the small portion of the housing component is capable of being illuminated when light is made incident on an inner surface of the housing component.  
the small portion of the housing component is made illuminable via a recess formed in the inside surface
- Of the housing component, the shape of the recess forming the shape of the shaped indicator image.
- The light source is a remote light source.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds.

Reynolds discloses the claimed invention except for the recitation of the light source includes a red, green, blue and white LED, the colored LEDs performing color mixing in order to affect the color of the indicator image. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a red green blue and white LED in the device of Reynolds, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). One would have been motivated to modify the device

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of Reynolds in such a manner for the purpose of providing the device a multitude of colors to select from in order to produce an indication representative of a particular function of the device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANABEL M. TON whose telephone number is (571)272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner  
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